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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY OTO DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

WILLIAM J. WRIGHT,

Plaintiff,

vs.

CASWELL OVERLOOK
COMMUNITY ASSOCIATION,
INC., a Georgia corporation,
LUEDER, LARKIN & HUNTER,
LLC, a Georgia limited liability
corporation, and DOES 1 to 10,
inclusive,

Defendants.

CASE NO. 13-CV-1147 BEN (JMA)

**ORDER GRANTING MOTION
TO PROCEED *IN FORMA*
*PAUPERIS***

[ECF No. 2]

On May 13, 2013, Plaintiff William J. Wright filed a civil complaint and a motion to proceed *in forma pauperis* ("IFP"). ECF Nos. 1 & 2. For the reasons stated below, the motion to proceed IFP is granted.

DISCUSSION

All parties instituting any civil action in a district court, except an application for writ of habeas corpus, must pay a filing fee. 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to proceed IFP pursuant to 28 U.S.C. § 1915(a). A party seeking IFP status must submit an affidavit stating that she is unable to pay the costs of the lawsuit. § 1915(a). "The granting or refusing of permission to proceed *in forma*

1 *pauperis* is a matter committed to the sound discretion of the district court.” *Smart*
2 *v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965) (citations omitted).

3 Having reviewed Plaintiff's declaration in support of his motion to proceed
4 IFP, the Court finds that he is unable to pay the filing fee or post securities required
5 to maintain this action. Accordingly, the Court **GRANTS** his motion to proceed
6 IFP.

7 Pursuant to 28 U.S.C. § 1915(e)(2)(B), notwithstanding any filing fee, the
8 Court must dismiss any complaint if at any time the Court determines that it is
9 “frivolous or malicious,” “fails to state a claim on which relief may be granted,” or
10 “seeks monetary relief against a defendant who is immune from such relief.” This
11 sua sponte screening is mandatory. *See Lopez v. Smith*, 203 F.3d 1122, 1127 (9th
12 Cir. 2000) (en banc); *see also Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001)
13 (per curiam).

14 Having reviewed Plaintiff's Complaint, the Court finds that it survives the
15 sua sponte screening of 28 U.S.C. § 1915(e)(2)(B).

16 **CONCLUSION**

17 Wright's motion to proceed *in forma pauperis* is **GRANTED**.

18 **IT IS SO ORDERED.**

19 DATED: June 27, 2013

20 
21 HON. ROGER T. BENITEZ
22 United States District Court Judge
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